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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

13 L.A. Taxi Cooperative, Inc. dba Yellow Cab
Co.; Administrative Services SD, LLC dba
14 Yellow Radio Service; All Yellow Taxi, Inc.
dba Metro Cab; American Cab, LLC;
15 American Cab, LLC dba Pomona Valley
Yellow Cab; Bell Cab Company, Inc.; Big
16 Dog City Corporation dba Citywide Dispatch,
Citywide Taxi, and Big Dog Cab; Cabco
17 Yellow, Inc. dba California Yellow Cab; C&J
Leasing, Inc. dba Royal Taxi; G&S Transit
18 Management, Inc.; Gorgee Enterprises, Inc.;
LA City Cab, LLC; Long Beach Yellow Cab
19 Co-operative, Inc.; Network Paratransit
Systems, Inc.; South Bay Co-operative, Inc.
20 dba United Checker Cab; Taxi Leasing, Inc.
dba Yellow Cab of Ventura County; Tri-City
21 Transportation Systems, Inc.; Tri Counties
Transit Corporation dba Blue Dolphin Cab of
22 Santa Barbara, Yellow Cab of Santa Maria,
and Yellow Cab of San Luis Obispo; and
23 Yellow Cab of South Bay Co-operative, Inc.
dba South Bay Yellow Cab,

24 Plaintiffs,

25 vs.

26 Uber Technologies; Rasier, LLC; and Rasier-
CA, LLC,

27 Defendants.
28

CASE NO. 3:15-cv-01257-JST

**DECLARATION OF BENJAMIN E.
SHIFTAN IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO AWYC'S MOTION TO
INTERVENE**

Date: July 30, 2015

Time: 2:00 p.m.

Crtrm.: 9, 19th Floor

1 I, Benjamin E. Shiftan, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an attorney at the
3 firm of Pearson, Simon & Warshaw, LLP, and am counsel for record for Plaintiffs.

4 2. I am one of the attorneys principally responsible for the handling of this matter. I
5 am personally familiar with the facts set forth in this declaration. If called as a witness, I could
6 and would competently testify to the matters stated herein.

7 3. My office's paralegal fielded a call from attorney Maryann Cazzell ("Ms. Cazzell")
8 on Thursday May 28, 2015.

9 4. The next day, on Friday May 29, 2015, I called Ms. Cazzell back. She informed
10 me that she wished to intervene in the above-captioned action on behalf of a client—A White and
11 Yellow Cab, Inc. dba A Taxi Cab and 1-800-4 My Taxi ("AWYC"). She told me that she was still
12 preparing a proposed complaint-in-intervention and would forward it upon completion. She asked
13 whether Plaintiffs would stipulate to allow her client to intervene in the above-captioned action. I
14 told her that I would review the proposed complaint-in-intervention when it was complete, and
15 then would make a decision as to whether intervention was appropriate.

16 5. On Wednesday June 3, 2015, Ms. Cazzell e-mailed me a draft proposed complaint-
17 in-intervention.

18 6. On Friday June 5, 2015, I e-mailed Ms. Cazzell, stating as follows: "Thanks,
19 Maryann. We are evaluating and will get back to you next week."

20 7. On Wednesday June 10, 2015, I received a voicemail from Ms. Cazzell inquiring as
21 to whether Plaintiffs had made a decision on stipulating to allow her client to intervene. I
22 promptly returned the call and informed her that I was still analyzing whether intervention was
23 procedurally appropriate. I also informed Ms. Cazzell again—just as I informed her in my e-mail
24 on June 5, 2015—that Plaintiffs would provide her an answer that week.

25 8. Two days later, on Friday June 12, 2015, I e-mailed Ms. Cazzell to inform her that
26 Plaintiffs would not stipulate to the intervention of her client, as—given the allegations in the
27 proposed complaint-in-intervention—Plaintiffs did not believe intervention was procedurally
28 appropriate.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on July 2, 2015 at La Jolla, CA.

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5 /s/ Benjamin E. Shiftan

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